

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

U. S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED

MAR 2 1973

MISCELLANEOUS ORDER NO. 20

JOSEPH McELROY, JR., CLERK
BY *M. C. [Signature]* Deputy

ORDER ESTABLISHING THE PROCEDURE FOR SERVICE
OF CIVIL PROCESS AND CENTRAL VIOLATION SUMMONS

It appearing to the Court that it is in the best interest of the due administration of justice to establish a procedure within this District for the service by mail of all civil process and Central Violation Summons, it is therefore ordered that the following procedures be effective immediately:

All civil papers filed with the United States District Clerk which require service by the United States Marshal shall be delivered to the Marshal's office by the Clerk with the necessary summons, USM 285, writs, order or other forms, as appropriate. The Marshal shall effect service of these papers by mailing them, certified mail return receipt requested, to the party to be served. When the return receipt is received by the Marshal he shall make his return on the USM 285, or other appropriate form, and file it with the Clerk. In those cases where the papers are returned by the post office because of an error in the address, the Marshal shall attempt to secure a better address from the party requesting the service and if such address is received, the foregoing procedure will be repeated. If no satisfactory address is received, or the papers are returned by the Post Office for reasons other than a bad address, the Marshal will make a diligent effort to secure personal service before returning the papers to the Clerk's office unexecuted.

Any party filing civil papers to be served with the U. S. District Clerk may elect to have them served by personal service rather than by mail in which event such instructions must be included in the special instructions section of the form USM 285 or on any other appropriate form.

Default judgments or other default orders will not be granted where service of process has been by mail unless authorized by the Federal Rules of Civil Procedure or other statute. In cases where service has been effected by mail and an answer is not timely filed, it will be the duty of the Clerk to contact plaintiff's attorney who shall furnish the United States Clerk, within five (5) days thereafter, with a complete set of the papers previously served by mail along with the instructions requesting personal service. The Clerk shall establish procedures to insure that the request for personal service to the United States Marshal is promptly made in the event an answer is not timely filed after service by mail. The time for filing an answer shall commence to run from the date of personal service by the Marshal.

The foregoing procedure shall also be applicable to the service of all Central Violation Summons issued by the U. S. District Clerk. In the event personal service is required the U. S. Magistrate will issue a new Central Violation Summons and deliver it to the Marshal for personal service. A Warrant for Failure to Appear shall not be issued by the Magistrate unless the defendant has been personally served with the Central Violation Summons by the Marshal.

Signed this 2nd day of March, 1978.


CHIEF UNITED STATES DISTRICT JUDGE


UNITED STATES DISTRICT JUDGE


UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT JUDGE


UNITED STATES DISTRICT JUDGE


UNITED STATES DISTRICT JUDGE